



**COMPLIANCE, EDITORIAL POLICY AND CAMPAIGNING: ATTITUDES
TO RISK WITHIN BROADCASTING IN THE UK**
Report for International Broadcasting Trust
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INTRODUCTION

There is a growing consensus amongst independent producers that an increasingly risk-averse culture within broadcasting is stifling creativity. Concerns about the BBC in particular were raised at this year's Edinburgh Television Festival and highlighted in a recent Broadcast survey.

In common with other broadcasters, the BBC is regulated by Ofcom on many matters including standards and fairness, under 18s, privacy, harm and offence, religion and crime. However, the BBC Trust regulates the BBC on all areas of the BBC Editorial Guidelines and has exclusive regulatory jurisdiction over impartiality for those services funded by the licence fee. The Editorial Guidelines are underpinned by the BBC's core values (impartiality, accuracy and editorial integrity) and set the standards it expects of producers and presenters.

It is argued that a tightening of the BBC Guidelines and a more burdensome compliance process across all broadcasting organisations is limiting programme makers' freedom to make programmes on difficult and sensitive issues. This report is an attempt to assess the reality of this perception by canvassing the opinions of independent producers and others working in factual television. Attention was focused particularly on the BBC to reflect the concerns most recently expressed, but views on other broadcasters were also sought. Sixteen telephone interviews were conducted. Although a few interviewees were happy to be quoted, most preferred to talk only off the record. It has therefore been decided not to identify any sources in the comments and quotes that follow.

EXECUTIVE SUMMARY

- Independent producers expressed concern about two main trends in all broadcasting organisations: tougher compliance procedures and a more cautious approach to commissioning. Interviewees differed somewhat in what they saw as most significant. No-one questioned the fact that broadcasting has become more tightly regulated. But some producers felt that this has to be seen within the context of the growth of regulatory frameworks in society as a whole and was necessary to ensure robust journalism. They found the risk aversion within commissioning more worrying.
- Many producers described a climate of fear arising from a series of high profile media scandals that had affected most channels.
- Most interviewees felt that the structural complexity of compliance, legal and editorial policy could make the production of more controversial films particularly problematic at the BBC.
- Implicit in many interviews was a higher expectation of the BBC as a public service broadcaster, but a few interviewees accepted that this also made it more difficult for the BBC to engage in certain types of programme-making.
- There were several examples of producers still finding a way to make challenging films through the use of celebrity presenters and popular formats.

- But there were varied views of what constitutes campaigning programmes and a self-confessed tendency towards self-censorship which means that broadcasters are not always tested.

FINDINGS

General comments

Many interviewees commented that British broadcasting in general is getting narrower and that a tightening of compliance regulation across all channels is making people fearful of taking risks.

All this takes place at the BBC, Channel Four, ITV and Channel Five, but the BBC has less room for manoeuvre.

However, several producers were keen to highlight the caution in commissioning as well as compliance. Indeed, a few interviewees felt that the current concern about compliance was unjustified.

I think that the idea that compliance is wrecking programmes is complete hogwash. In most cases, it's about protecting people from manipulation etc and making sure that programme makers do their job properly.

Compliance isn't where I see the problem. Obviously there's risk aversion there but I understand it.....A lot of our programmes are edgy and we pay a lot of attention to being very compliant, we double check everything..... Where the risk aversion shows is in ideas, creativity and commissioning. That's where it's increased. They are more frightened of failure now. The power has shifted to business affairs.

There's a huge social responsibility that comes with film –making and just because we've now got a regulatory vocabulary, that's not necessarily a bad thing. What we're bucking against, is not what they are saying, but that it's being said by bureaucrats in health and safety terminology. But in my experience, they're just saying be honest and fair.

The BBC

Editorial Guidelines and compliance

The concern about risk aversion within the BBC was shared by the majority of those interviewed. Many highlighted the impact of the Hutton Inquiry, Queengate and the Ross/Brand affair. David Jordan, Head of the Editorial Policy Unit, acknowledged this when he was interviewed about the new Editorial Guidelines on Radio 4's Feedback (22nd Oct):

The last one was produced in the wake of the Hutton inquiry...this one ...in the wake of telephony and interactivity issues, Queengate and Brand/Ross.

One interviewee traced the perceived cultural change back further to the appointment of John Birt.

He adopted a rigid, mechanistic, centralised approach – to some extent understandable as the BBC up until then had largely been run as a kind of fiefdom. Centralisation led to a whole series of rules that undermined journalism.

A few interviewees felt that the BBC's apparent caution in areas of controversy should be seen within the increasing scope of the general regulatory framework affecting all broadcasters. But another thought it related far more to concerns about the licence fee.

Compliance with the Ofcom regulations and adherence to the BBC's own Editorial Guidelines were often conflated in the interviewees' comments. Although no-one questioned the importance of compliance and the maintenance of rigorous journalistic standards, many felt that it was in this process that the fear of taking risks was most apparent.

There's huge nervousness leading to a vast bureaucracy of form filling about programme content and constant referrals back to the Editorial Policy Unit. In the past you only went to them for advice on really big issues.... now they are contacted for quite mundane things. The net result is that everyone is frightened of EPU, which has huge editorial power, and is not prepared to take risks.

Several interviewees gave examples of the kind of procedures they were now asked to complete in order to satisfy the standards expected of them by the BBC from psychological testing of contributors to courses on Safeguarding Trust.

Some interviewees commented that the BBC's attitude to risk could be explained by the fact that it now operates within a more hostile environment. But there was a sense of disappointment at the BBC's perceived unwillingness to fight back. One interviewee had been told by EPU that it was all about perception not reality:

It's what the BBC is perceived to be doing that matters....."How will it look in the Daily Mail?" It's this attitude that's driving the caution. Even if you say that you can answer any Daily Mail comments, they will reply that they don't want it to appear there at all.

One independent producer used her own experience to highlight the way in which she believed BBC editorial policy hampers programme makers trying to address difficult subjects.

My understanding is that originally Editorial Policy existed to help and advise film makers - and very useful they've been, too. But what seems to have happened more recently is that their 'advice' now has to be followed with the same non-negotiable obedience as if it were governed by law. In a way, Legal is easy – there are clear rules. But the grey area of editorial policy made our lives impossible. Every time we thought we'd found a way to tell the story, EPU seemed to be saying no. The EPU has become a lot more risk averse and cautious even over the life of one series: for example, at the outset we were told thatwe didn't have to blur one particular face.....but in the end we did have to blur that face and lose a name..... We also had to do additional research to find written proof that the opinions expressed by the characters were reasonable and true. You must always check facts of course, but a documentary isn't the same

as a news report; if you trust the contributor you don't normally have to provide proof of his or her opinions. We were able to do it but it took a lot of work. I fear that if programme makers are going to be routinely required to provide documentary evidence of opinion it will stop campaigning journalism in its tracks. All this shows how the goal posts have moved recently. The person-power needed to check everything means that budgets will have to be revised or it won't be possible to make these kinds of films.

A number of systemic problems were highlighted, some of which had financial implications for smaller independents in particular. One interviewee felt that EPU staff were not competent to deal with matters that strayed into legal territory. This led to an over-cautious approach and an inconsistency in the advice offered by them and the BBC's legal department. Others reported that the BBC now expects independents to provide their own legal advice and to pick up the additional cost when delays in decision-making lead to lost editing time.

The BBC is now also declining to provide legal advice for the benefit of indies so companies are having to provide their own. In the past the BBC and the programme supplier were seen as one. So it's costlier and more time-consuming and for the smaller indies, there isn't that patience.

Fear of the compliance culture may also be leading some independents towards self-censorship, not simply in the ideas they take to the BBC, but also in the way they regulate themselves.

Plus there's the whole issue of self-censorship. People are freaking themselves out about the impossibility of doing something. There's a fear of compliance ...people might go through it once, but they don't want to go through it again. There are two aspects to this: "Oh we couldn't possibly do that in the current climate" attitude so they don't even test ideas with EPU or compliance, and an over-interpretation of the rules – which is my big bug-bear. The indies want to protect themselves as much as the broadcaster so they have large teams of people looking at small legal issues – they're not trained and they tend towards caution. For example, there's been a rash of blurring out number plates – even when there's no justification. But in a culture ruled by fear when broadcasters are not seen as brave, indies over-interpret the rules to protect themselves

However, despite acknowledging the tougher guidelines, not all interviewees agreed that compliance and editorial policy necessarily had a negative impact on their ability to make strong, controversial programmes for the BBC.

I've had no problems with EPU or compliance at the BBC, although I remember one meeting with EPU when there was a discussion about making a film that had one particular point of view. At the same time, there was an enthusiasm to try and find a solution. There are issues of compliance with virtually every film..... you have to find ways around it.

Two interviewees gave examples where they felt they had been supported by a robust BBC.

In recent times, I've been involved in making a programme that said Kissinger was a war criminal and another that implicated Winnie Mandela in murder. I don't think Channel Four would have made them any more uncompromising than the BBC did.

Compliance has got tighter but it's not stopping what we want to do – it just takes longer, there are more questions to answer. The EPU is also listened to a lot more. But I think this is understandable in the wake of high profile cases like the Queen documentary and the Jonathan Ross affair..... We took up the case of a rapist who had been acquitted on a technicality but new evidence came to light. The judge had placed an anonymity order on the guy but the BBC legal department took the case to the Lords and got the anonymity lifted.....For every time you have to jump extra hurdles, you get cases like those above so it's a mixed bag.

Balance and impartiality

The section of the Ofcom code relating to due impartiality does not apply to the BBC. In these matters it is regulated by the BBC Trust and guidance is provided in Section 4 of its own Guidelines. The latest Guidelines, published earlier this month, have been extended to cover all BBC content and now include science and religion. Speaking on Radio 4's Feedback, David Jordan explained the thinking behind this change:

Re religion:

It's about making sure people recognise where there might be serious offence caused by something they're doing in religion and think about it seriously. It's not saying don't do it.....everyone needs protection from being caused offence unnecessarily ...In my view in the vast majority of cases it won't make any difference to our current output.

Re science:

The way we approach scientific controversy and indeed other controversies where there is a general consensus...is to say that we don't have to have a balance every time we mention the issue. In fact you can distort the debate if every time you talk about man-made climate change, you have someone who either denies it's happening at all or doesn't believe it's man-made. The important thing is that in ...our coverage it's acknowledged that there are people who don't accept that there is man-made climate change; they don't have to be part of every programme we make on the subject....provided that across our airwaves in general that view is reflected from time to time.

However, not all contributors to this report were convinced by the argument that balance need only be provided across several programmes. Some felt that the requirement to have balance within an individual programme was increasing and another highlighted the problem for independents that only have funding for one programme.

They [Channel Four] do not have the same duty to be impartial within a single programme – just across a range of programmes. Whereas the BBC would not make separate programmes. So you often see more polemical programmes on Channel Four – they have different rules on bias and it's part of their remit, for example, Tatchell's programme on the Pope – classic Channel Four. The BBC wouldn't have made that film.

One interviewee felt that the BBC's internal guidelines on impartiality are a form of censorship.

I think that we are losing insights and truths by being "impartial". You can't be impartial on things like female circumcision – it's wrong, an abuse of human rights. If you always have to view something in a distanced way, you can never expose anything. So journalists don't go to the BBC with stories like this. There's no point in trying.

She went on to give an example of a programme which she felt fell foul of the BBC's interpretation of impartiality.

In 2002 I made a film for BBCit featured a man who had been abused by his local parish priest in Irelandwhen the story broke earlier this year in Germany and the Pope himself was implicated, I got in touch with him and asked if he'd like to make an authored film investigating the cases in Germany. The obvious home for this seemed to be the BBC as they'd done the original film. They turned it down. I was told that Fergal Keane was making a film for Panorama on the subject, but also that it was unlikely this man could be the author of such a film for them because it would be too personal and partial.

But others thought impartiality was less of an issue than matters such as privacy, fairness and defamation – all of which it was accepted could have an impact on producers' freedom to make difficult and controversial films. One interviewee was less concerned about impartiality than an over-cautious approach to the right to reply.

I don't think impartiality is a big issue and have no experience of campaigning films being turned down. I think programmes are allowed to have their own agenda and it's rare that things get stymied. The problem lies in the over-interpretation of the right to reply within a programme. This can stymie the central allegation. Information has to be given to the other side 2-3 weeks before it's broadcast. This gives them time to take various measures and advice and nobble the programme. A lot of the programme then has to be changed to accommodate this right to reply and other stuff is lost.

Campaigns and campaigning films

Section 4 of the new Editorial Guidelines also makes clear that the BBC does not campaign.

"The BBC must remain independent and distanced from government initiatives, campaigners, charities and their agendas, no matter how apparently worthy the cause or how much their message seems to be accepted or uncontroversial."

In answer to a question about programmes on climate change, David Jordan recently re-stated this position on Feedback (22nd Oct Radio 4).

No...we don't do campaigning...we report campaigns...we shouldn't ever be campaigning ourselves on issues of this sort. Other than on issues around broadcasting, the BBC doesn't take sides and doesn't take a view.

For a few interviewees this attitude towards campaigning was nothing new and not particularly problematic.

Has the BBC ever really done law changing stuff – except maybe in the 60s with Ken Loach et al with Cathy Come Home. But I imagine that was before broadcasting legislation tightened.

Can't remember when it did campaign; it's always upheld its impartiality. (Intvw 12)

There is a greater degree of nervousness now, but I don't think it's particularly shying away from campaigning films – they've never had a big appetite for that..... They are proud of the BBC's reputation and don't want to damage it. Not sure what it's done in the past that it's not doing now.

They did not feel it would be appropriate for the BBC to campaign.

The BBC is in an uncomfortable position with campaigning. Impartiality is at the heart of the BBC. It's a universal service paid for by everyone. So I tend to support the view that they shouldn't campaign. Comic Relief and Children in Need are fundraising mechanisms – they don't seem to take a political stance. If, for example, a fundraising campaign for kids in Uganda implicitly criticised the Ugandan government then it would not be impartial. You can't suspend impartiality – you either are or you're not.To produce something like Slumdog Kids of Mumbai and its accompanying fundraising campaign on the BBC would be to take advantage of the BBC imprimatur – not the right place for the BBC to be.

It's not the BBC's job to campaign anyway. I doubt many license-fee payers see that as part of its job.

In most interviews “campaigning” was interpreted in its broadest sense to include films which expressed a particular view or aimed to achieve some form of social or political change. The majority of interviewees thought this type of film making was being restricted by the compliance culture as discussed above, but also by a more cautious commissioning policy. However, the latter is less easy to prove.

It's unquestionably the case that it's got more difficult to make campaigning films. When I was at the BBC, after a couple of years of nothing being commissioned about the Third World, people stopped coming to me with those kinds of ideas. ...There's been a narrowing of the agenda. But finding examples will be difficult – like trying to prove a negative. You can't prove that something would previously have been commissioned.

Indeed, many interviewees speculated about what would or would not be commissioned by the BBC, but only a few gave examples of films actually being turned down because they generally took the view that it was not worth taking certain ideas to the BBC in the first place.

I've not had a bad time with the BBC, but then most of my films are made for someone else.

Anyway don't do much for the BBC – ideas seem to get lost and you lose heart. If I think of a risky idea, I don't think of going to the BBC.

I've just produced a documentary for a corporate client who would be very keen to get it on TV. But I know there's no point in going to the BBC with it because it was funded by an international corporation even though they had very little influence over it. That's problematic for the BBC; Channel Four and ITV would be much freer to show it. But I can't be sure about this, because I haven't asked the BBC. I think it would be the same for a charity if the aims of the charity were focussed on one line of public policy and I have some sympathy with that. The BBC gets into homes in a way that no other broadcaster does and carries huge weight. It wants to make sure that it's not diminished.

Similarly, several producers speculated over the likely response to programmes commissioned in the past.

Years ago I was at the BBC and made a series of undercover films about racism. Their top lawyer didn't think they could get them out, but the controller was determined and he didn't just settle for the first advice he was given and went looking for another lawyer who would help get it transmitted. I'm not confident that that would happen today.

One interviewee was keen to point out the importance of distinguishing between news and current affairs, and other types of programmes. He referred to the BBC's decision not to broadcast the Live 8 films in 2005.

The films were not well made and were journalistically weak.The argument was that anyone who doesn't want to give money to Africa must be bonkers, but as anyone knows who has worked for an aid organisation, you have to be very careful how the money will be used and who it goes to. The politics of aid are very complex.....I'm not against campaigning but it must be based on rigorous analysis and journalism. The Live8 films were made by entertainment producers – they were crude and simplistic.

The majority of interviewees felt strongly that campaigning films were important and could be made without compromising the BBC's editorial standards.

There's also a paranoia about being seen to give undue prominence to one particular charity or campaign group. The BBC should have a strand which provides access to these kinds of stories. There should be balance across the whole output, but not necessarily in individual transmissions.

To make a campaigning film, it doesn't mean that you don't have to be rigorous. I never set out to make a film unless I've got something to say.

We're making programmes that are edgy and campaigning.... A lot of what we dohas been shown on the BBC at peak times and won awards. We're managing to do it because we're employing a different type of format but based on sound journalistic values..... It's hard but you can be controversial.

But interpretations of what constituted a campaigning programme sometimes varied. There were two opposing views, for example, on whether the BBC 2's recent school season was campaigning. One interview thought it was and pointed to the programme made by John Humphrys, another felt differently.

[The series] should have had a clear agenda on government policy from the start, but it didn't. Instead it was deliberately designed to be a fuzzy proposition...it made it much weaker.

Interviewees felt that campaigning programmes are made by the BBC when they are perceived to be less contentious or support a raft of different causes like Comic Relief and Children in Need.

Disability hate crime...that's a campaigning film, but it's not contentious – no-one is going to say it's a good thing to attack disabled people.

Would they have done Jamie's School Dinners? I think they would. I know that there were signs that they [BBC] were very keen to sign Jamie and the only thing they didn't want him to do was his cookery shows because of his Sainsbury's connection. So what else would they have wanted him for if not his campaigning – at least in some way?

Complaints process

A couple of interviewees also wanted to highlight the problems that can be caused by the complaints process, particularly at the BBC. Although acknowledging the right to complain, they were concerned that the time it now took to answer complaints might deter independents from embarking on potentially controversial programmes in the first place.

On the face of it, the BBC Complaints Unit is a wonderful thing – people have a right to complain. But the BBC's desire to do the right thing has led to the establishment of the Complaints Unit as a separate organisation. It needs to justify its existence.Programme makers and heads of department are swamped with paperwork. Large lobbying groups put in complaints requiring hugely detailed responses. If you fail to respond, you're taken to the cleaners. If the decision goes in favour of the complainant, then it shows that the Complaints Unit is doing a good job. If the decision goes against the complainant, then they can go to the BBC Trust. So if a programme maker has anything controversial in their programme, they begin to think, "Can I be bothered?" A lot of edgier things are eased out of programmes.

I had to deal with an Ofcom complaint following a Panorama...it took up 3 weeks of my time, but I'm not sure that the BBC is any different from anyone else – complaints have to be answered.

Channel Four

Compliance

With the exception of a few instances, most interviewees agreed that it was easier to take campaigning ideas to Channel Four than to the BBC. This different approach was explained in structural and cultural terms. The structure at Channel Four, where compliance and legal are one department, is seen to be much simpler and easier to negotiate.

At Channel Four compliance is done by lawyers. They understand the law – there are different lawyers with different approaches and you may be assigned a tough or relaxed one, but you only get one opinion.

One overall difference at the BBC for indies is that it's difficult to debate with the BBC about the interpretation of its own Guidelines whereas Channel Four is regulated solely by Ofcom so it's easier. It's more straightforward to debate these with a commercial broadcaster.

Commissioning

But interviewees thought that the cultural differences were just as important. It was felt that Channel Four's original remit made it more receptive to edgier programme-making. It was seen as more likely to take risks and to have a more obvious "can do" approach even when things became difficult.

The differences between Channel Four and the BBC are not much to do with the regulatory framework where there's a lot of common ground. It's more to do with the implementation of the regulations and the corporate cultures. Channel Four was set up to deal with minority and edgier issues and to be more daring and experimental. They are more inclined to tackle difficult subjects. Compliance at Channel Four is a lot more pro-film-maker rather than trying to stop them. So it's not about compliance per se but the culture that underpins it.

The Channel Four culture is anti-establishment; they see themselves as naughty rebels. The BBC can't do that – so it's harder for them. It's hard for them to go for the sacred cows; they're always watching the licence fee.

Programme makers can take more risks with Channel Four. But they were set up with a different remit – to allow different voices.

For these reasons, interviewees referred to Channel Four programmes that they felt would not have been commissioned by the BBC.

I'm not sure if the BBC would have shown the recent Dispatcheson phone-tapping and News International fronted by Peter Osborne. They have real problems with anonymous sources post Hutton.

I made an undercover film for Dispatches.... I'd discussed the same idea with someone at Panorama who told me frankly the BBC wouldn't commission it because of the fear that a BBC employer might be putting a child's life at risk. It was a risky film, but Channel Four were prepared to take that risk.

Compliance

A minority of interviewees had recent experience of making documentary films for ITV or Sky. They acknowledged that ITV had had its own share of high profile scandals and like the BBC and Channel Four, was sometimes subject to intense media scrutiny. This has led to the same cautious approach to compliance experienced elsewhere.

Carlton were given a £2m fine for The Connection and threatened with the loss of their licence. The phone-line scandal has also made everyone twitchy. Everyone feels intimidated and this impacts on serious journalism.

I've found that ITV compliance has changed dramatically in the last 12 to 18 months. There are far higher levels of sensitivity now.....the scrutiny now falls on everyone..... for example, Boys and Girls Alone opened a debate about psych testing, which then became the default position in the compliance industry, including ITV.

ITV have a tougher compliance regime than Sky. They are more heavily regulated and the fines for breaches will be higher. They were tougher on compliance before the BBC. Mark Thompson commented at Edinburgh that it was only when he went to Channel Four that he realised how tough compliance was outside the BBC. He took that back to the BBC.

Commissioning

There seemed to be a general impression that commercial considerations inevitably make ITV commissioning editors less receptive to serious documentaries which they fear will not deliver an audience.

There's a belief that factual doesn't rate on ITV and it becomes self-fulfilling.

ITV is a commercial operation and as the channels have multiplied, it wants to position itself as an entertainment channel. The only reason it ever did things like First Tuesday, World in Action etc in the past was as franchise fodder, but now that the franchises are virtually worthless, they don't have to keep dancing to that tune. It's a business. They need to please the advertisers.

You have lower expectations of ITV – it's the only big commercial broadcaster that has to make a lot of money.

However, although everyone accepted that it could be difficult, interviewees gave examples that proved there was still an appetite for challenging films at ITV. Issues of balance and impartiality could be addressed within the most polemical film if it was considered important enough to broadcast irrespective of the ratings.

We're doing a film for ITV at the moment12 months ago they wouldn't have done it. There's a sense that a bit of confidence is coming back. They know it won't receive massive ratings but it's an important film.

They're experimenting at the moment with a more serious Sunday night. They're commissioning 10 documentaries in the old South Bank Show slot.

I'm doing one of the edgiest series I've ever done at the moment for ITV and it was commissioned really quickly and the compliance guy has been really brilliant..... ITV did Wormwood Scrubs which did very well for them.

Pilger is an ITV asset. With John's films, ITV sees itself making the statement that it's still in the business of serious and challenging journalism. But "The War You Don't See" has had to be made within the rules There are interviews with the heads of editorial policy at both the BBC and ITV. So that's how we dealt with it - giving them the opportunity to reply. We spent many hours with the ITV lawyer to make sure it was compliant.

Sky TV

Compliance

Views on compliance at Sky varied, but there was evidence that here too, regulation had become tougher, partly in the wake of a contentious film about the Dignitas clinic in Switzerland which was broadcast without referral to the most senior levels of management.

Compliance at Sky is pretty good, straightforward. They did a film with Janet Street-Porter when she took Michael Moore on and there were no problems. If they see a problem, they just want it out and the commissioning editors go along with it. No-one fights the lawyers.

They put in place a unit to flag up potentially contentious films.....you have to complete a series of actions and consultations before a film can be signed off.

Commissioning

Although opportunities for serious documentary might be more limited at Sky, a few interviewees referred to the success of films presented by Ross Kemp in Afghanistan and the Middle East which brought complex subjects to a younger audience. One interviewee thought that Sky's approach to these films was quite deliberate and strategic.

Ross Kemp in Afghanistan brought a difficult subject to incredible viewing figures for Sky.

Ross Kemp is really interesting. It blew the lid off the assumption that the only time you would do those kind of documentaries was with a serious correspondent. But it worked.

It was a brand issue – they wanted to raise Ross Kemp's game.....and the channel wanted to make a mark, wanted to be taken seriously. They were prepared to invest a lot in compliance and legal to make it work..... once they knew it was journalistically robustthere was a fair bit of autonomy.

Interviewees provided two other examples of what they considered to be bold commissioning decisions at Sky. Such films could involve a difficult and prolonged compliance process, but they were nevertheless fully supported.

This [caution] applies across the board but sometimes the most surprising things happen.....It was Sky who saw it and loved it and said we'll have it. No-one else was interested.

The commissioning was bold but the process of completing the film was fraught. A lot of this was as a result of Channel 4's Kids Alone programme – there was real paranoia. Broadcasters are much more aware of children's issues now..... but fair enough.

Future possibilities for campaigning film-making

Interviewees were asked if they could suggest ways in which more campaigning programmes can be made for broadcast television. For some, the solutions lay in the simplification and professionalisation of the compliance process at the BBC.

They should get lawyers in to run compliance.. ...In every budget there should be a compliance line. They should be made financially accountable; it would make them sharpen up their act.

Brian Woods' argument is just let us have one person to deal with.

But for others who were more concerned about caution in commissioning than in over rigorous compliance procedures, responses tended to focus on the use of celebrity presenters to reassure commissioners concerned about ratings.

But you can get around it. I made a film for BBC2 a couple of years ago about the tobacco industry in Africa, but it was fronted by a celebrity, Duncan Bannatyne. Try and find a celebrity if possible – brings in the ratings and reassures the commissioners.

Ross Kemp – a way of making films that wouldn't otherwise be commissioned and it worked – the viewing figures were much higher than they would have been without him.

Channel Four did Slumdog because they'd bought the film... One of the programmes wouldn't have got a 9pm slot without him [Kevin McCloud].

However, one interviewee highlighted the potential limitations of this approach.

There are no problems if the films are genuinely illuminating. The issue is not with the celebrity, it's the way they are often forced to do it a particular way....There's a second issue – if the purpose of the film is to increase understanding and lead to policy changes, it's difficult when they are not rooted in existing campaigns or social movements.

Another interviewee had succeeded in making a series of films on a range of topics from homelessness to ageism and third world poverty by adapting a format more familiar to viewers of reality TV.

I'm interested in being in peak time. Observational documentaries are harder to rate then. I call our programmes "constructed documentary" or "constructed

factual” because reality has become such a derogatory term. One of our programmes got 5 million viewers.

Although again, one interviewee expressed reservations about this type of film-making.

Blood, Sweat and T-shirts, a documentary series made for BBC 3, was successful so they have repeated the formula. But if you look at it, it's the relationships that this format encourages that become more important than the issue itself.

This same interviewee proposed another alternative – the possibility of raising at least part of the funding for such films outside of television, together with a cinema and DVD release. This reduces the cost to the broadcaster and potentially generates a lot of free publicity before transmission. The latest John Pilger film, “*The War You Don't See*” is an example of this model. External funding means that ITV has only had to acquire a license to show the film which will also have a cinema release. But Pilger is an exception and there are a number of difficulties in persuading broadcasters, particularly the BBC, to adopt this practice

If you want to reach a big audience, it has to be on TV. So you can make the film first so the broadcasters know what they're getting or reduce the cost of them. You have to bring in money from outside TV to do that. However, there are compliance issues with the BBC. They don't take films that have non-broadcast money in them. There's also a subsidiary point about editorial control but that's a red herring – I've taken money from lots of organisations and always been free of editorial interference. It's much easier to raise non-broadcast money if there's a belief that it will be shown on TV. Funders are not out to make money, but they do want to make a difference. So in all my business plans, I build in a strategy to create public noise and momentum.....TV needs to come as a partner but the number of commissioning editors who'll have that sort of conversation is very small. And the closer you are to public service broadcasting, the less willing. But then amongst those further away from public service broadcasting, there's less interest in this sort of programme. I can't get the BBC to discuss it. They're a little more willing at Channel Four.

CONCLUSIONS

Although evidence was provided that there are still opportunities for campaigning films, many independent producers interviewed believe that with the possible exception of Channel Four, broadcasters are now less receptive to these programme ideas than they were in the past. The reasons for this are seen to stem from the development of a widespread risk averse culture that follows a series of high profile cases such as Queengate, and is reflected at the BBC in an over cautious interpretation of its own Editorial Guidance.

However, this has to be seen within the context of:

- The growth of the regulatory framework in society in general
- More intense media scrutiny
- The differences in culture and structure between the BBC and other broadcasters

- An increasingly competitive environment
- The varied views of what constitutes campaigning programmes
- A tendency towards self-censorship which means that broadcasters are not always tested

A simpler and less bureaucratic compliance process may assist those producers who want to make challenging and provocative films for the BBC, but other solutions may also be necessary to encourage all broadcasters to adopt bolder commissioning policies.

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